

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 91-648-C - ORDER NO. 91-1088✓
DECEMBER 6, 1991

IN RE: Application of Dataphon SC Limited)	
Partnership for a Certificate of Public)	ORDER
Convenience and Necessity to Construct)	GRANTING
and Operate a New Domestic Public)	MOTION TO
Cellular Radio Telecommunications System)	CONSTRUCT
for Service to the Public in South Carolina)	FACILITIES
Rural Service Area #9 (the Counties of)	
Kershaw, Chesterfield, Darlington, Marlboro,)	
and Dillon).)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Motion filed by Dataphon SC Limited Partnership (the Applicant) wherein the Applicant requests permission to proceed with the construction of its cellular telephone system during the pendency of its Application. The Applicant makes several allegations in support of its Motion:

- (1) The Applicant has pending before the Commission an Application seeking a Certificate of Public Convenience and Necessity for the construction and operation of a cellular radio mobile telecommunication system.
- (2) The Applicant is the prospective holder of a construction permit from the Federal Communications Commission (FCC).
- (3) Under the terms of the construction permit, the first cell of the system must be in operation on or before April 11, 1992.

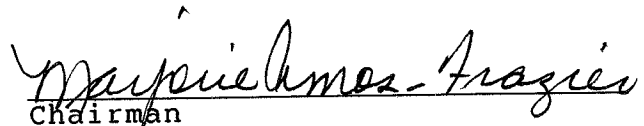
- (4) The Commission has determined in Order No. 85-392, issued in Docket No. 84-440-C that because of certain rulings by the FCC, it would require no showing of public convenience and necessity in a proceeding to grant authority to operate a cellular radio telecommunications system.
- (5) The Applicant must commence construction of its system as soon as possible in order to have the first cell in operation by the date required by the FCC.
- (6) The Applicant understands it will be proceeding at its own risk by beginning construction of its system prior to receiving a certificate of public convenience and necessity from the Commission prior to beginning construction. The Applicant also understands that the Commission's granting of this Motion would in no way bind the Commission to act favorably upon Applicant's pending Application.

The Commission has considered the allegations in support of the Applicant's Motion. The Commission is also aware that S.C. Code Ann. §58-11-100 requires this Commission to issue a Certificate of Public Convenience and Necessity before an Applicant may begin or continue the construction or operation of any telecommunication facilities. However, in light of the Commission's determination that public convenience and necessity is not an issue under an Application for cellular radio telecommunications certificates, the Applicant's acknowledgment that it would be proceeding at its own risk by beginning construction of this system prior to any Commission approval, and that the Applicant understands that the Commission is not bound to act favorably upon the Applicant's pending Application, the Commission will allow the Applicant to begin the construction of its cellular telephone system while its Application and request for approval is pending before this

Commission. The Applicant will assume the risk that its Application may not be granted and in no event shall the Applicant begin operation of its system under such time when, and if, the Commission may grant a Certificate of Public Convenience and Necessity.

IT IS OR ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)